

and duties that matured, penalties that were incurred, and proceedings that were begun before November 2, 1966.

CROSS REFERENCES

Assimilation of pay and allowances, see section 1003 of this title.

Regulations for administration of section, see section 411 of this title.

Travel and transportation allowances for reserves and members of National Guard who perform training or other duty without pay, see section 1002 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 404a, 406, 406a, 406b, 406c, 408, 410, 411, 411a, 411b, 411e, 420, 433, 1002, 1003 of this title; title 5 section 4109; title 10 sections 1174a, 1175.

§ 404a. Travel and transportation allowances: temporary lodging expenses

(a) Under regulations prescribed by the Secretaries concerned, a member of a uniformed service who is ordered to make a change of permanent station—

(1) from any duty station to a duty station in the United States (other than Hawaii or Alaska); or

(2) from a duty station in the United States (other than Hawaii or Alaska) to a duty station outside the United States or in Hawaii or Alaska;

shall be paid or reimbursed for subsistence expenses actually incurred by the member and the member's dependents while occupying temporary quarters incident to that change of permanent station. In the case of a change of permanent station described in clause (1), the period for which such expenses are to be paid or reimbursed may not exceed 10 days. In the case of a change of permanent station described in clause (2), the period for which such expenses are to be paid or reimbursed may not exceed five days and such payment or reimbursement may be provided only for expenses incurred before leaving the United States (other than Hawaii or Alaska).

(b) Regulations prescribed under subsection (a) shall prescribe average daily subsistence rates for purposes of this section for the member and for each dependent. Such rates may not exceed the maximum per diem rates prescribed under section 404(d) of this title for the area where the temporary quarters are located.

(c) A member may not be paid or reimbursed more than \$110 a day under this section.

(Added Pub. L. 97-60, title I, §122(a)(1), Oct. 14, 1981, 95 Stat. 1002; amended Pub. L. 99-145, title VI, §613(a), Nov. 8, 1985, 99 Stat. 640; Pub. L. 102-25, title VII, §702(b)(1), (2), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102-484, div. A, title VI, §621, Oct. 23, 1992, 106 Stat. 2422; Pub. L. 103-160, div. A, title VI, §621(a), (b), Nov. 30, 1993, 107 Stat. 1682.)

AMENDMENTS

1993—Subsec. (a). Pub. L. 103-160, §621(a), substituted “10 days” for “four days” in second sentence and “five days” for “two days” in third sentence.

Subsec. (d). Pub. L. 103-160, §621(b), struck out subsec. (d) which read as follows: “In the case of a member who

is ordered to make a change of permanent station described in subsection (a)(1) during fiscal years 1993 through 1997, the Secretary concerned may extend the period for which subsistence expenses incurred incident to that change are paid or reimbursed to not more than 10 days if the new duty station is in a geographical area where there is a shortage of safe and affordable housing because of the arrival of members of the armed forces in the area as part of the withdrawal of members of the armed forces from duty stations outside the United States, the closure or realignment of military installations, or the restructuring or deactivation of military units. The existence of such a shortage of safe and affordable housing in an area shall be determined by the Secretary concerned.”

1992—Subsec. (d). Pub. L. 102-484 added subsec. (d).

1991—Subsec. (a). Pub. L. 102-25, §702(b)(2), struck out “of this subsection” after “clause (1)” and “clause (2)”.

Subsec. (b). Pub. L. 102-25, §702(b)(1), struck out “of this section” after “subsection (a)”.

1985—Subsec. (a). Pub. L. 99-145 substituted “shall” for “may” in first sentence, and substituted “are to” for “may” the first place it appears in second and third sentences.

EFFECTIVE DATE OF 1993 AMENDMENT

Section 621(c) of Pub. L. 103-160 provided that: “The amendments made by this section [amending this section] shall take effect on April 1, 1994.”

EFFECTIVE DATE OF 1985 AMENDMENT

Section 613(b) of Pub. L. 99-145 provided that: “The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1985.”

EFFECTIVE DATE

Section 122(c) of Pub. L. 97-60 provided that: “The amendments made by this section [enacting this section and amending section 411 of this title] shall take effect on April 1, 1982.”

PROHIBITION ON PAYMENT OF TEMPORARY LODGING EXPENSES; EXCEPTION

Pub. L. 99-500, §101(c) [title IX, §9097], Oct. 18, 1986, 100 Stat. 1783-82, 1783-117, and Pub. L. 99-591, §101(c) [title IX, §9097], Oct. 30, 1986, 100 Stat. 3341-82, 3341-117, provided that: “None of the funds appropriated by this Act shall be available to pay temporary lodging expenses pursuant to section 404a(a) of title 37, United States Code: *Provided*, That during fiscal year 1987, this provision shall not apply to those military personnel with dependents in grades E-4 and below.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 411, 420 of this title.

§ 405. Travel and transportation allowances: per diem while on duty outside the United States or in Hawaii or Alaska

(a) Without regard to the monetary limitations of this title, the Secretaries concerned may authorize the payment of a per diem, considering all elements of the cost of living to members of the uniformed services under their jurisdiction and their dependents, including the cost of quarters, subsistence, and other necessary incidental expenses, to such a member who is on duty outside of the United States or in Hawaii or Alaska, whether or not he is in a travel status. However, dependents may not be considered in determining the per diem allowance for a member in a travel status.

(b) A station housing allowance may be prescribed under this section for a member who is

on duty outside of the United States without regard to costs other than housing costs and may consist of the difference between basic allowance for quarters and applicable housing cost. A station housing allowance may not be prescribed under this section for a member who is on duty in Hawaii or Alaska. A station housing allowance prescribed under this section may be paid in advance.

(c) Housing cost and allowance may be disregarded in prescribing a station cost of living allowance under this section.

(d)(1) In the case of a member of the uniformed services authorized to receive a per diem allowance under subsection (a), the Secretary concerned may make a lump-sum payment for non-recurring expenses—

(A) incurred by the member in occupying private housing outside of the United States; and

(B) authorized or approved under regulations prescribed by the Secretary concerned.

(2) Nonrecurring expenses for which a member may be reimbursed under paragraph (1) may include losses sustained by the member on the refund of a rental deposit (or other deposit made by the member to secure housing) as a result of fluctuations in the relative value of the currencies of the United States and the foreign country in which such housing is located.

(3) The Secretary concerned shall recoup the full amount of a refunded deposit referred to in paragraph (2) that was paid by the United States, including any gain resulting from a fluctuation in currency values referred to in that paragraph.

(4) Expenses for which payments are made under this subsection may not be considered for purposes of determining the per diem allowance of the member under subsection (a).

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 473; Pub. L. 89-718, § 57, Nov. 2, 1966, 80 Stat. 1123; Pub. L. 91-486, Oct. 22, 1970, 84 Stat. 1085; Pub. L. 96-107, title VIII, § 807(a), Nov. 9, 1979, 93 Stat. 813; Pub. L. 98-525, title VI, § 602(e), Oct. 19, 1984, 98 Stat. 2536; Pub. L. 99-145, title XIII, § 1303(b)(8), Nov. 8, 1985, 99 Stat. 741; Pub. L. 101-189, div. A, title VI, § 622(a), Nov. 29, 1989, 103 Stat. 1446; Pub. L. 103-160, div. A, title VI, § 622(a), Nov. 30, 1993, 107 Stat. 1683.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
405	37:253(b).	Oct. 12, 1949, ch. 681, § 303(b), 63 Stat. 814.

The words “Secretaries concerned” are substituted for the words “Secretaries of the uniformed services” to conform to other subsections of the source statute. The words “outside the United States, or in Hawaii or Alaska” are substituted for the words “outside the continental United States or in Alaska” to conform to the definition of United States in section 101(1) of this revised title and to retain the coverage of the source statute.

AMENDMENTS

1993—Subsec. (d). Pub. L. 103-160 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “In the case of a member of the uniformed serv-

ices authorized to receive a per diem allowance under subsection (a), the Secretary concerned may make a lump-sum payment for nonrecurring expenses incurred by the member in occupying private housing outside of the United States. Expenses for which payments are made under this subsection may not be considered for purposes of determining the per diem allowance of the member under subsection (a).”

1989—Subsec. (d). Pub. L. 101-189 added subsec. (d).

1985—Pub. L. 99-145 inserted “the” after “outside” in section catchline.

1984—Subsec. (a). Pub. L. 98-525, § 602(e)(1), designated first two sentences of existing section as subsec. (a).

Subsec. (b). Pub. L. 98-525, § 602(e)(2), (3), designated third and fourth sentences of existing section as subsec. (b), in such third sentence as so designated inserted “for a member who is on duty outside of the United States” after “under this section”, and inserted after such third sentence: “A station housing allowance may not be prescribed under this section for a member who is on duty in Hawaii or Alaska.”

Subsec. (c). Pub. L. 98-525, § 602(e)(4), designated last sentence of existing section as subsec. (c).

1979—Pub. L. 96-107 inserted provisions relating to advance payment of station housing allowances.

1970—Pub. L. 91-486 inserted provision authorizing a station housing allowance.

1966—Pub. L. 89-718 substituted “the” for “a” after “including”.

EFFECTIVE DATE OF 1993 AMENDMENT

Section 622(b) of Pub. L. 103-160 provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to nonrecurring expenses and currency fluctuation gains described in section 405(d) of title 37, United States Code, that are incurred by members of the uniformed services on or after October 1, 1993.”

EFFECTIVE DATE OF 1989 AMENDMENT

Section 622(b) of Pub. L. 101-189 provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to expenses incurred after August 31, 1990.”

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-525 effective Jan. 1, 1985, with exceptions, see section 602(f) of Pub. L. 98-525, as amended, set out as an Effective Date note under section 403a of this title.

EFFECTIVE DATE OF 1979 AMENDMENT

Section 807(b) of Pub. L. 96-107 provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1979.”

CROSS REFERENCES

Assimilation of pay and allowances, see section 1003 of this title.

Regulations for administration of section, see section 411 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 403, 403a, 406, 411, 420, 1003 of this title; title 2 section 906; title 5 section 4109; title 36 section 121.

§ 405a. Travel and transportation allowances: departure allowances

(a) Under regulations prescribed by the Secretaries concerned, when dependents of members of the uniformed services are ordered to depart by competent authority, they may be authorized such allowances as the Secretary concerned determines necessary to offset the expenses incident to the departure. Allowances authorized by